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21 *Attorneys For Plaintiffs*

22 **UNITED STATES DISTRICT COURT**
23 **DISTRICT OF NEVADA**

24 VÍCTOR RIVERA RIVERA, et al.,
25 individually and on behalf of all others
26 similarly situated,

27 Plaintiffs,

28 v.

PERI & SONS FARMS, INC.

Defendants.

Case No.: 3:11-cv-00118-RCJ-VPC

**PLAINTIFFS' NOTICE OF
INTENT NOT TO AMEND
PLAINTIFFS' SECOND
AMENDED CLASS ACTION
COMPLAINT**

1 On July 27, 2011, the Court entered an Order ("Order") granting Defendant Peri & Sons,
2 Inc.'s ("Peri & Sons") Motion to Dismiss against Plaintiffs' Second Amended Class Action
3 Complaint (Docket No. 55). The Court gave Plaintiffs leave to amend the complaint as to "the
4 breach of contract claims generally" and "the federal and state wage claims insofar as the latter
5 arose on or after February 16, 2009." *Id.* at 12.

6
7 Plaintiffs hereby notify the Court and Defendant that they intend to stand upon the
8 sufficiency of the allegations in the Second Amended Class Action Complaint and do not intend
9 to file a Third Amended Class Action Complaint.

10 Plaintiffs respectfully disagree with the Court's conclusion that Plaintiffs' Second
11 Amended Class Action Complaint does not state claims upon which relief can be granted.
12 Plaintiffs elect to stand on their pleading and intend to appeal to the United States Court of
13 Appeals for the Ninth Circuit.

14
15 Accordingly, Plaintiffs respectfully request that the Court enter a final judgment in this
16 action, so that they may seek review of the Court's Order.

17
18 Dated: August 11, 2011

19 By:

20 /s/ José J. Behar
21 One of the Plaintiffs' Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on August 11, 2011, I electronically filed the attached document with the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF Registrants:

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/s/ José J. Behar